



# **Doing Business with the U.S. DEPARTMENT OF EDUCATION**

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**February 2006**

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## PREFACE

This guide has been designed for one purpose -- to assist you, the prospective contractor, in doing business with the U.S. Department of Education. Our intent is to explain who we are and what we buy. Most importantly, we want to help you market your products or services to this agency.

Your abilities, potential, and willingness to participate are important to the accomplishment of the Department's mission. We are eager to know who you are and what you do. We welcome your inquiry and hope that your efforts will be profitable to both of us.

## INTRODUCTION

*Doing Business with the U.S. Department of Education* is intended to provide businesses and other organizations with basic information about contracting opportunities at the Department of Education (ED). It is available electronically at <http://www.ed.gov/fund/contract/about/booklet1.html> .

This publication includes an overview of the mission of ED and its programs and procedures and emphasizes business opportunities for the following types of organizations:

- **Small businesses**
- **Small disadvantaged businesses (including 8(a) firms)**
- **Women-owned small businesses**
- **HUBZone small businesses**
- **Service-disabled veteran-owned small businesses**
- **Small and small disadvantaged subcontractors**

This publication is issued by the [Office of the Chief Financial Officer, Contracts & Acquisitions Management](#) (CAM), and by the [Office of Small and Disadvantaged Business Utilization](#) (OSDBU). The latter office is responsible for implementing the Department's activities on behalf of small businesses in accordance with Public Law 95-507, [Public Law 100-656](#), Public Law 105-135, Public Law 108-183, [Executive Order 12138](#), and [Public Law 106-50](#).

The guide is divided into three chapters: [Chapter 1](#) outlines the major mission and offices of ED; [Chapter 2](#) gives general contracting information and marketing help; and [Chapter 3](#) explains the preferential acquisition programs available.

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## CHAPTER 1 - ED's Mission and Organization

*Our Mission Is to Promote Student Achievement and Preparation for Global Competitiveness by Fostering Educational Excellence and Ensuring Equal Access*

The U.S. Department of Education was established on May 4, 1980 by Congress in the Department of Education Organization Act ([Public Law 96-88 of October 1979](#)). The Department's mission is to:

- Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual;
- Supplement and complement the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education;
- Encourage the increased involvement of the public, parents, and students in Federal education programs;
- Promote improvements in the quality and usefulness of education through Federally supported research, evaluation, and sharing of information;
- Improve the coordination of Federal education programs;
- Improve the management of Federal education activities; and
- Increase the accountability of Federal education programs to the President, the Congress, and the public.

Offices that may provide contracting opportunities are described below. A more complete discussion of the Department's programs is found in the [Guide to Department of Education Programs](#).

### **Management:**

#### [Office of the Secretary](#)

The secretary is responsible for the overall direction, supervision, and coordination of all activities of the Department and is the principal adviser to the president on federal policies, programs, and activities related to education in the United States.

#### [Office of the Deputy Secretary](#)

The deputy secretary serves as the principal policy advisor to the secretary on all major program and management issues. The deputy secretary is also responsible for the internal management and daily operations of the Department. The Office of Small and Disadvantaged Business Utilization (OSDBU) is a component of this office.

#### [Office of the Under Secretary](#)

Develops policy resources, recommendations, and initiatives that help define a broad, coherent vision for achieving the President and [Secretary's priorities](#). Also supports the implementation of critical policies by the Department and education providers through application of resources, analysis, [strategic planning](#), and evaluation.

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## **Staff Offices:**

### [Office of the Chief Financial Officer](#)

The Chief Financial Officer's primary responsibility involves supervising the activities of major components, and serving as the principal advisor to the U.S. Department of Education Secretary on all matters related to discretionary grant-making, cooperative agreements, and [procurement](#), as well as financial management, financial control, and accounting. The organization's mission is to provide accurate, timely, and useful grant, contract and financial management information and services to the all of the Department's stakeholders.

### [Office of the Chief Information Officer](#)

Develops technological strategies and solutions that enable the Department of Education to provide world-class service to schools, students and their families.

### [Office of Communications and Outreach](#)

OCO leads ED's communications and outreach efforts. OCO oversees press relations, publications, contacts with organizations, and communication with parents, educators, students, and citizens..

### [Office of Educational Technology](#)

OET develops national educational technology policy and implements this policy through Department-wide educational technology programs.

### [Office of the General Counsel](#)

Provides legal advice to all persons authorized to request such advice or services. Directs, coordinates, and recommends policy for activities that are designed to provide legal documents, rules, and regulations entered into by the Department, including proposed and pending legislation.

### [Office of Inspector General](#)

Conducts audits and investigations of Department programs and operations in order to promote their efficiency and effectiveness and to detect and prevent fraud, waste, and abuse. Through courts and administrative procedures, this office seeks to recover misused federal funds. In cooperation with the Department of Justice, it seeks prosecution of wrongdoers.

### [Office of Legislation and Congressional Affairs](#)

Serves as the principal advisor to the Secretary on education and other legislative matters before the Congress and as the Department's liaison in responding to the needs of Congress. Provides the direction, planning, and development for the implementation of the legislative goals of the Department. Works with the Congress to assure the receipt of necessary information relating to policies, appropriations, and programs and to assure the Department's responsiveness to their requests.

### [Office of Management](#)

Administers the Department's human resources and administrative support functions. OM is dedicated to promoting customer service, expanding staff performance capacity, using strategic approaches to management and the management of the Department's human capital, and providing a high-quality workplace for the Department.

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### [Office of Planning, Evaluation and Policy Development](#)

OPEPD oversees planning, evaluation, policy development, and budget activities in the U.S. Department of Education (ED). OPEPD coordinates these activities with ED principal offices and outside organizations such as Congress, the Office of Management and Budget, and state education associations. Finally, OPEPD is home to ED's [Budget Service](#), which develops and manages the Department's program budget, policy, and legislative development.

### **Program Offices:**

#### [Institute of Education Sciences](#)

ED's main research arm, compiles statistics; funds research, evaluations, and dissemination; and provides research-based guidance to further evidence-based policy and practice. Its three operational divisions are the National Center for Education Research, the National Center for Education Evaluation and Regional Assistance, and the National Center for Education Statistics.

#### [Office for Civil Rights](#)

Enforces federal statutes that prohibit discrimination based on race, color, national origin, sex, age, or handicapping condition in education programs receiving federal financial assistance. OCR serves student populations facing discrimination and the advocates and institutions promoting systemic solutions to civil rights problems. OCR also provides technical assistance to help institutions achieve voluntary compliance with the civil rights laws that OCR enforces. An important part of OCR's technical assistance is partnerships designed to develop creative approaches to preventing and addressing discrimination.

#### [Office of Elementary and Secondary Education](#)

Promotes academic excellence, enhances educational opportunities and equity for all of America's children and families, and improves the quality of teaching and learning by providing leadership, technical assistance and financial support. Directs, coordinates, and recommends policy for programs designed to assist State and local educational agencies to improve the achievement of elementary and secondary school students; help ensure equal access to services leading to such improvement for all children, particularly children who are educationally disadvantaged, Native American, children of migrant workers, or homeless; foster educational improvement at the State and local levels; and provide financial assistance to local educational agencies whose local revenues are affected by Federal activities.

#### [Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students](#)

Provides national leadership in promoting high quality education for the nation's population of English language learners (ELLs). Works to include various elements of school reform in programs designed to assist the language minority agenda. These include an emphasis on high academic standards, school accountability, professional development, family literacy, early reading, and partnerships between parents and the communities. Administers grant programs that help every child learn English and content matter at high levels, provides leadership ensuring that policy related decisions focus principally on the best interests of the ELL child, collaborates with other federal, state and local programs to strengthen and coordinate services for ELLs and promote best practices, and monitors funded programs and provides technical assistance to ensure that they focus on outcomes and accountability.

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### [Office of Federal Student Aid](#)

Administers federal student aid programs, providing more than \$60 billion of financial aid per year to college students. Works to modernize the delivery of student financial assistance and improve service to millions of students and the postsecondary institutions they attend.

### [Office of Innovation and Improvement](#)

The Office of Innovation and Improvement is a nimble, entrepreneurial arm of the U.S. Department of Education. It makes strategic investments in promising educational practices through grants to states, schools, and community organizations. It also leads the movement for greater parental options and information in education. This Office houses two dozen discretionary grant programs, and coordinates the public school choice and supplemental educational services provisions of the *No Child Left Behind Act*.

### [Office of Postsecondary Education](#)

The Office of Postsecondary Education (OPE) formulates federal postsecondary education policy and administers programs to improve access to quality postsecondary education in the United States. The office has responsibility for the accrediting agency recognition process and for the coordination of activities between States and the U.S. Department of Education that impact institutional participation in the Federal financial assistance programs. Administers international education programs and graduate education fellowship programs for disciplines critical to the needs of the United States.

### [Office of Safe and Drug-Free Schools](#)

Supports efforts to create safe schools, respond to crises, prevent drug and alcohol abuse, ensure the health and well being of students, and teach students good citizenship and character. OSDFS coordinates ED efforts in these areas with other federal agencies and also leads ED Homeland Security efforts.

### [Office of Special Education and Rehabilitative Services](#)

Works to improve results and outcomes for people with disabilities of all ages. Provides a wide array of support to parents and individuals, school districts and states in three main areas: special education, vocational rehabilitation and research.

### [Office of Vocational and Adult Education](#)

Supports a wide range of policies, programs, and activities that help young people and adults obtain the knowledge and skills they need to prepare for postsecondary education, successful careers and productive lives. Provides access to information, research and resources to help students become lifelong learners and make the most of their education, their careers, and their individual human potential. Activities fall into four areas: High Schools, Career and Technical Education, Community Colleges, and Adult Education and Literacy.

### **White House Initiative Offices:**

#### [Center for Faith-Based and Community Initiatives](#)

The goal of the Center is to break down existing barriers and to empower faith-based and community groups to provide social and education services to those in need.

#### [Historically Black Colleges and Universities](#)

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The White House Initiative on Historically Black Colleges and Universities (HBCUs) will identify ways to strengthen the role of these colleges and universities in helping provide quality education opportunities for minority and disadvantaged students.

#### [Tribal Colleges and Universities](#)

The White House Initiative on Tribal Colleges and Universities (WHITCU) ensures that the Tribal Colleges are more fully recognized and have full access to federal programs benefiting other higher education institutions.

#### [Educational Excellence for Hispanic Americans](#)

The President's Advisory Commission on Educational Excellence for Hispanic Americans aims to strengthen the nation's capacity to provide high quality education and increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs.

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## CHAPTER 2 - General Contracting Information

To help you determine whether the goods and services your firm provides are pertinent to ED's needs, here are a few facts about a "typical" procurement year (figures based on fiscal year 2001):

- More than \$1 billion in new awards and modifications representing nearly 6,000 contract actions are made annually.
- About 80 percent of these contracts are with business firms and the rest with nonprofit organizations and educational institutions.
- About one third of these firms are in the preferential programs listed in [Chapter 3](#).

In line with ED's mission, the scope of its work is technically- and performance-based rather than hardware- or product-oriented. For FY 2001 more than 90 percent of the Department's contract dollars were awarded for research, technical assistance, automated data processing, and other services.

Those seeking to contract with ED should be familiar with the [Federal Acquisition Regulations \(FAR\)](#). The FAR establishes policies and procedures to be followed by all Federal agencies when purchasing supplies and services. The FAR is found in the Code of Federal Regulations, Title 48, Chapter 1 (48 CFR 1). It is supplemented by the [Education Department Acquisition Regulation \(EDAR\)](#), which is found at 48 CFR, Chapter 34. The information presented in this chapter is intended to acquaint individuals briefly with the basic process.

### Identification of the Requirement

Typically, the procurement process is initiated when a particular program office identifies a requirement and develops an acquisition plan with the procurement office. The assigned contracting officer, in consultation with the small business representative and the project officer, will then make several key decisions. One of these is whether the required supplies or services are available from other government sources, such as a General Services Administration (GSA) supply depot, or if they may be purchased from authorized suppliers listed on a GSA Federal Supply Schedule. If so, the contracting officer must generally acquire the items directly from the depot or from suppliers on the schedule. Thousands of common articles (office equipment and supplies, for example) are included on the Federal Supply Schedule. Firms interested in getting their products or services on a Federal Supply Schedule should visit GSA's [Getting on Schedule site](#).

Acquisitions valued at under \$100,000 are procured under simplified acquisition procedures in accordance with FAR Part 13. Micro-purchases (less than or equal to \$2,500) may be made with the [Government Purchase Card](#).

Another important decision is whether the procurement should proceed under one of the preference programs described in [Chapter 3](#) of this publication, such as setting the procurement aside for the exclusive participation of small business. The appropriate method of conducting the procurement, either by the use of sealed bidding or negotiation, is also selected at this time.

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Once these decisions have been made and funds are committed for the requirement, the contracting officer begins preparing the solicitation document and arranges for the announcement of the solicitation through various channels.

### **Announcement of the Solicitation**

The [Federal Business Opportunities](#) website is used to inform prospective bidders of contracting opportunities.

### **Federal Business Opportunities (FBO)**

The [Federal Business Opportunities](#) website is the single government point-of-entry for Federal government procurement opportunities over \$25,000. Government buyers are able to publicize their business opportunities by posting information directly to FedBizOpps via the Internet. Through one portal - FedBizOpps (FBO) - commercial vendors seeking Federal markets for their products and services can search, monitor and retrieve opportunities solicited by the entire Federal contracting community.

ED uses FBO to post requirement synopses, draft statements of work, solicitations, and solicitation amendments for all competitive solicitations. Sources sought notices, award notices, special notices, and combined synopsis/solicitations are posted too. ED also uses FBO to post contract opportunities in the \$10,000 - \$25,000 range.

### **Procurement Method**

One of the first decisions made by the contracting officer is whether a sealed bidding or negotiated procurement method will be used. The distinction between these two methods does not relate to the manner in which they are publicly announced or to the extent of competition for contract awards. The primary difference between sealed bidding and negotiated procurements is the way in which the responses to the solicitation from prospective contractors are evaluated.

It should be noted that, due to the nature of the goods and services ED acquires, sealed bidding is rarely used at ED.

### **Procurement by Sealed Bidding (48 CFR 14)**

Sealed bidding is a method of contracting that employs competitive bids, public opening of bids, and awards based on clear, accurate and complete specifications of the government's requirement. When a procurement is made by sealed bidding, it is generally publicized in [FedBizOpps](#).

The solicitation form in sealed bidding is known as an Invitation For Bid (IFB). The IFB includes a copy of the product or service specifications, instructions for preparing the bid and information on the date, time, and place of bid opening. Bids received are publicly opened, announced, and evaluated. The evaluation determines the extent to which each bid conforms to the IFB requirements. A bid meeting all of the IFB's minimum requirements is considered "responsive." The evaluation then focuses on the question of "responsibility" -- whether, for example, responsive bidders have the technical and financial capability to perform the contract. The [Small Business Administration](#) issues

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[certificates of competency](#) for eligible small businesses when required and thereby resolves the issue of responsibility for agencies considering an award to a small business. The resultant contract is generally awarded on a firm-fixed price basis.

### **Procurement by Negotiation (48 CFR 15)**

Negotiation is the term used to describe a procurement method other than sealed bidding and is extensively used at ED. The solicitation form in negotiation is known as a “Request for Proposal” (RFP) and contains:

- Proposal instructions and conditions;
- Source selection criteria, including all components of a best value selection, such as technical evaluation criteria, cost or price evaluation factors, past performance, and any other factors;
- Statement of work describing product or service specifications;
- Contract clauses; and
- Certifications and representations.

Generally, the RFP requires: (1) a technical proposal describing the offeror’s approach to providing required goods and services, (2) a cost/price proposal describing estimated costs or price, and (3) a discussion of the offeror’s past performance on contracts of a similar or related nature. Instructions for preparing these sections are explicit and deserve close attention. Moreover, you should show carefully how you will fulfill all RFP requirements and provide all requested certifications and representations. All proposals must be received by the specified time and due date. Questions should be directed to the contracting officer designated in the RFP.

An alternative methodology that may be used for negotiated procurement uses oral presentation in place of all or part of a written proposal. If oral presentations are anticipated, the solicitation will provide clear instructions for how to prepare them. Further information about oral presentations is available online at <http://www1.pr.doe.gov/oral.html>. While the final decision concerning negotiated contract awards must consider cost, the decisive factor is usually which proposal offers the greatest value to ED in terms of quality of management, technical capability, cost, past performance, and other relevant factors. These factors and their relative importance are contained in the RFP. All proposals will be judged on the basis of how well they meet these “Evaluation Factors for Award.” For this reason, it is extremely important that you submit a complete, relevant, and well-documented technical proposal that clearly illustrates how you intend to satisfy each of the evaluation factors. Unlike proposals submitted in sealed bidding, proposals submitted for negotiation are not publicly opened. The contracting officer keeps the cost proposal for his/her evaluation and forwards the technical proposals to a review panel that will evaluate them against the factors for award stated in the RFP.

The panel then determines which proposals are technically acceptable. Following the initial evaluation of proposals, a competitive range is established. A proposal may fall within the competitive range if it has a reasonable chance of being selected for award. Written and oral discussions are held with all the firms whose proposals are in the competitive range. After these negotiations, ED requests final proposal revisions. After this offer has been made, ED selects for award the qualified offeror that has provided the most advantageous proposal from both a quality and cost standpoint. The entire competitive negotiation process, from announcement of the RFP to contract award, may take from three to nine months. Keep this time frame in mind when allocating

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resources and estimating costs. Those offerors determined not to be in the competitive range are notified. Announcement of the successful offeror cannot be made until the entire process has been completed. The negotiation method is time consuming with a good deal of oversight to ensure full and open competition. The contracting officer directs the process and is the appropriate person to contact for the status of proposals.

Contracts resulting from the negotiation process may range from firm-fixed price, under which the contractor delivers products conforming to specifications at a specified price, to a cost-plus-fixed-fee (CPFF) basis, under which ED reimburses the contractor for all allowable and reasonable costs incurred within contract limits, plus a fixed fee.

### **Unsolicited Proposals**

FAR Subpart 15.6 describes the circumstances under which a Government agency may review and accept a proposal which is submitted on the initiative of the offeror and that is not in response to any Government-initiated solicitation or program. It says that a valid unsolicited proposal must:

- Be innovative and unique;
- Be independently originated and developed by the offeror;
- Be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- Include sufficient detail to permit a determination that Government support could be worthwhile and the proposed work could benefit the agency's research and development or other mission responsibilities; and
- Not be an advance proposal for a known agency requirement that can be acquired by competitive methods.

In order to be acceptable for formal evaluation, an unsolicited proposal must contain:

(a) basic information, including:

1. offeror's name and address and type of organization (e.g., profit, nonprofit, educational, small business);
2. names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;
3. identification of proprietary data to be used only for evaluation purposes;
4. names of other Federal, State, or local agencies or parties receiving the proposal or funding the proposed effort;
5. date of submission; and
6. signature of a person authorized to represent and contractually obligate the offeror;

(b) technical information, including:

1. concise title and abstract (approximately 200 words) of the proposed effort;
2. a reasonably complete discussion stating the objectives of the effort or activity, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the work will help to support accomplishment of the agency's mission;

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3. names and biographical information on the offeror's key personnel who would be involved, including alternates; and
  4. type of support needed from the agency (e.g., facilities, equipment, materials, or personnel resources); and

(c) supporting information, including:

1. proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;
2. period of time for which the proposal is valid (6-month minimum suggested);
3. type of contract preferred;
4. proposed duration of effort;
5. brief description of the organization, previous experience, relevant past performance, and facilities to be used;
6. other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and
7. names and telephone numbers of agency technical or other agency points of contact already contacted regarding the proposal.

If you are considering submitting an unsolicited proposal, please review Subpart 15.6 for a more complete discussion of how your proposal will be reviewed and evaluated, and what language you can use to be sure any proprietary information in your proposal is protected.

**Unsolicited proposals should be sent to:**

U.S. Department of Education  
Contracts & Acquisitions Management  
Attention: Director's Support Group  
PCP, 7th Floor  
550 12th Street, SW  
Washington, D.C. 20202-4200

**Conclusions:**

Key steps to start doing business with ED are:

- Review FedBizOpps daily for new [ED postings](#). Promptly request specific solicitations for goods and services your firm can supply.
- Read the RFP carefully and follow all instructions.
- Obtain a copy of the [Forecast of ED Contract Opportunities](#).
- Register in the [Central Contractor Registration](#) online.
- Submit proposals by the due date.
- Respond as required to guidance or inquiries from the contracting officer.
- Review [FedBizOpps award announcements](#) for **subcontracting** opportunities.
- Use the preferential programs listed in [Chapter 3](#).

As does any undertaking, working with the government takes time, effort, patience, and persistence. We at the Department of Education are ready to help you do business with us.

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## CHAPTER 3 - Preferential Acquisition Programs

To ensure that all businesses have an equitable opportunity to participate in federal procurement, a number of special assistance programs have been established. These include various types of preference programs, such as small business set-asides and programs exclusively for socially and economically disadvantaged companies, as well as other forms of assistance generally designed to help companies that otherwise might not be able to compete for a share of government contract awards. All firms are encouraged to become familiar with and take advantage of any of the special assistance programs for which they qualify. This chapter is intended to be an introduction to some of the major programs available primarily to small and disadvantaged businesses.

### Office of Small and Disadvantaged Business Utilization

ED's [Office of Small and Disadvantaged Business Utilization \(OSDBU\)](#) was established in response to [Public Law 95-507](#), amending the Small Business Act of 1958. OSDBU assists small businesses, small disadvantaged businesses (including 8(a)s, , service-disabled veteran-owned firms, HUBZone, and women-owned businesses in fulfilling contracting and subcontracting opportunities with ED. To ensure that these firms are represented in contracts awarded throughout the federal government, OSDBU works closely with the [Small Business Administration \(SBA\)](#) and other agencies. It helps small businesses understand ED's operations and directs offerors to appropriate sources of information. It also works with program offices throughout ED to help the Department meet its contracting goals for small socially and economically disadvantaged businesses.

OSDBU provides advice to contracting officers in complying with small and small disadvantaged business utilization plans and participates in government/industry conferences to assist small and disadvantaged businesses. It is also available to give direct advice to such companies, if needed. OSDBU distributes in hard copy the Department's [Forecast of ED Contract Opportunities](#). In addition, the Director of OSDBU monitors and reports to the SBA on ED's goals and accomplishments in order to involve businesses and organizations in the programs listed below.

For more information about set-aside opportunities, contact OSDBU staff at:

U.S. Department of Education  
OSDBU - PCP, RM 7048  
550 12th Street, SW  
Washington, DC 20202-0521  
(202) 245-6300  
(202) 245-6304 [Fax]  
email: [small.business@ed.gov](mailto:small.business@ed.gov)

### Small Business Set-Aside Program (48 CFR Subpart 19.5)

Section 15 of the Small Business Act states that a fair proportion of the total purchases and contracts for goods and services for the government is to be placed with small business concerns. Accordingly,

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under this program, the government may set aside procurements exclusively for small businesses. FedBizOpps announcements will indicate those solicitations which have been set aside. However, since the federal government is required to buy at competitive prices, set-asides are made only when enough qualified small businesses are expected to offer, in order to ensure adequate competition. The SBA establishes [size standards](#) for small businesses on an industry-by-industry basis. They are defined by dollar volume of sales, or number of employees, or a combination of these factors. Size standards are published in the FAR, 48 CFR 19.102.

## **Section 8(a) Program**

Section 8(a) of the Small Business Act authorizes SBA to enter into contracts with other federal agencies to supply goods and services needed by those agencies. SBA then subcontracts the actual performance of the work to small businesses owned and controlled by socially and economically disadvantaged individuals. In August 1998, through a memorandum of understanding (MOU), the Small Business Administration (SBA) granted ED the authority to award 8(a) contracts directly to 8(a) firms. The objective of the “8(a)” Program is to help eligible small firms become independently competitive. To be eligible for 8(a) Program participation, a small business concern must be at least 51 percent owned, controlled, managed, and operated on a daily basis by one or more socially and economically disadvantaged persons. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identification as members of certain groups. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the economy has been impaired due to diminished capital and credit opportunities. Black Americans, Native Americans, Hispanic Americans, Asian-Pacific Americans, and Asian Indian Americans have been officially designated socially and economically disadvantaged. Members of other groups must provide evidence that they are economically and socially disadvantaged. SBA determines eligibility on a case-by-case basis. If you are interested in the program, contact the nearest SBA office.

8(a) certified firms should also contact ED’s OSDBU and have a capability statement on file with the office. When a requirement is determined to be suitable for acquisition through the 8(a) Program, the OSDBU and the responsible procurement officials review the capability statements on file. If a firm’s product or service can fulfill the ED requirement, then the company may be asked (along with other 8(a) businesses) to make a presentation concerning its capabilities to provide the required goods or services. Normally, ED selects one firm as a result of these presentations and asks that firm to develop a complete proposal for the project. That firm then negotiates directly with ED. More information about this process can be obtained from OSDBU.

## **Small and Disadvantaged Business Set-Aside Program**

The [Federal Acquisition Streamlining Act of 1994, Public Law 103-355](#), created a new small and disadvantaged business set-aside program that supplements but does not replace the 8(a) Program. Specifically, sections 7101-7108 of that Act authorize agencies to set aside competitions solely for small and disadvantaged business concerns with awards made by the agency rather than through the SBA. Competitions under this authority will be announced in FedBizOpps as set-asides for small and disadvantaged businesses. In addition, the Act provides that an agency *may* issue unrestricted solicitations that give up to a 10 percent price evaluation preference to small and disadvantaged business concerns.

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## **Small and Small Disadvantaged Business Subcontracting Program (48 CFR Subpart 19.7)**

Under Section 211 of [Public Law 95-507](#), the successful offeror or bidder on contracts exceeding \$500,000 must submit, before an award is made, an acceptable subcontracting plan setting percentage and dollar goals for the award of subcontracts to small and disadvantaged businesses. The OSDBU reviews all subcontract plans submitted by prime contractors to ensure compliance with the requirements of Section 211.

## **Women-Owned Business Program (48 CFR Subpart 19.9)**

[Executive Order 12138](#) directs all federal agencies to take action to facilitate and strengthen women-owned business enterprises and to ensure full participation by women in the free enterprise system. Although no set-aside authority exists, ED makes a special effort to advise women business owners of contracting opportunities and to encourage their participation in ED procurements. The Federal Acquisition Regulation also requires agencies to actively encourage their prime contractors to use women-owned small businesses as subcontractors. Contracts valued as \$100,000 or more include a clause to achieve this objective.

## **HUBZone Empowerment Contracting Program**

The [HUBZone Empowerment Contracting](#) program was enacted into law as part of the Small Business Reauthorization Act of 1997. It encourages economic development in historically underutilized business zones - "HUBZones" - through the establishment of preferences. It provides federal contracting opportunities to qualified small businesses located in these distressed areas to help empower communities, create jobs, and attract private investment.

## **Service-disabled veteran-owned Business Program**

[Public Law](#) 108-183 provides technical, financial, and procurement assistance to service-disabled veteran-owned small businesses. This law expands existing and establishes new assistance programs for veterans who own or operate small businesses.

In addition to the above, there are three other sources listed below that small and disadvantaged firms should explore:

## **Small Business Administration**

The [Small Business Administration \(SBA\)](#) offers assistance to small and small disadvantaged firms. Government contracting offices work closely with the SBA in seeking small business suppliers. Local SBA offices frequently can direct firms to agencies that purchase products they offer. Names and addresses of prospective military and civilian agency customers are available through SBA's field offices. In addition, firms offering a variety of products should consult the **U.S. Government Purchasing and Sales Directory**, a comprehensive guide to the government's purchasing and sales activities. This publication lists products and services purchased throughout the government, indicates which agencies buy what products, and explains how to contact appropriate contracting offices. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock No. 1978-0-247-747 or 378-8310-82-13).

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SBA provides assistance to contracting offices to help small and disadvantaged firms obtain direct contracts. Many of SBA's efforts in this area are made through procurement center representatives stationed in government contracting offices, although there is no such office at ED. They participate in the development of solicitations and recommend small business set-asides for contracts that fulfill set-aside criteria in the federal procurement regulations.

The [SBA Office of Technology](#) strengthens and expands the competitiveness of U. S. small high technology research and development businesses in the federal marketplace. It helps small businesses obtain contracts and provides access to new technology and technical assistance. Technology assistance officers in SBA regional offices carry out the program. They can help small businesses define problems, locate up-to-date technologies, and take advantage of new approaches identified in recent research and development efforts.

The [SBA Office of Business Development](#) operates a nationwide, toll-free telephone line for small businesses. The toll-free telephone number is (800) U-ASK-SBA (827-5722) in the continental United States (except Hawaii and Alaska). The Washington, D.C. [Office of Advocacy](#) can be reached on (202) 205-6533. The purpose of this service is to help small businesses cope with the complexities of government regulations and procedures. SBA relies upon small businesses for identifying burdensome or unnecessary regulations.

### **Department of Commerce - Minority Business Development Centers**

The [Department of Commerce Minority Business Development Agency](#) provides assistance to the minority business community through one hundred business development centers across the country. These centers identify new business opportunities and assist minority entrepreneurs in marketing, managing, identifying new financial resources, and developing markets. For a nominal fee, minority business development centers provide technical assistance in such areas as accounting, inventory control, bid estimating, bonding, personnel management, and contract negotiations. Centers identify and promote minority-owned private investment firms and match these firms with new business opportunities in domestic and foreign markets. Each center maintains an inventory listing of minority entrepreneurs and firms with a profile of their capabilities.

### **General Services Administration Business Service Centers**

The [General Services Administration \(GSA\)](#) offers other procurement opportunities for small and disadvantaged businesses. The small business owner can learn which items the GSA buys by writing or visiting the nearest GSA business service center. While these opportunities are not available exclusively to small disadvantaged business, they represent an important government resource that you should use. Interested business concerns should contact their local GSA regional or area office for more information.

### **Other Sources of Information**

Many of the World Wide Web sites mentioned in this booklet, as well as much more information about ED and its programs, are accessible through the U.S. Department of Education's home page at <http://www.ed.gov>.

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The Acquisition Virtual Library contains a wealth of information about contracting with the government and what contracting opportunities are available. It also contains links to CCR, FedBizOpps, SBA, and many of the other sites referenced in this guide. You can access it on the World Wide Web at <http://acquisition.gov/>.

## **ED Market Research and Solicitation Dissemination**

The Department of Education (ED) no longer uses solicitation mailing lists. Instead, ED now requires potential contractors to register in the Central Contractor Registration (CCR) system, a centrally located, searchable database, accessible via the Internet, as the tool of choice for developing, maintaining, and providing sources for future procurements. The CCR database enables prospective contractors to update their corporate information, including goods and services offered, in one place via the CCR website. As a single validated source of data on contractors doing business with the Government, ED procurement officials are now able to access, via the Internet, contractor data and industry information for the purpose of conducting market research, i.e., to identify sources for contracting opportunities. Through CCR's Dynamic Small Business Search feature, ED procurement officials can conduct market research on small and disadvantaged businesses wishing to do business with ED.

Furthermore, in most cases, ED no longer mails paper solicitations. Paper solicitations are only mailed to firms that request them. Instead, ED posts most solicitations on FedBizOpps (FBO) <http://www.fedbizopps.gov>, the designated single Governmentwide point of entry for public access to notices of procurement. Firms can also view and download complete solicitations from FBO. FBO also has an "Interested Vendors" functionality, which allows vendors to register as an interested party for a particular solicitation. FBO has the capability to generate a list of vendors who are interested in a specific solicitation, which promotes teaming opportunities, subcontracting opportunities, and other business relationships among organizations interested in a particular solicitation.

SBA-certified 8(a) small or socially/economically disadvantaged business firms may wish to contact OSDBU for more information about "set-aside" opportunities. The OSDBU staff can be contacted by telephone at (202) 245-6300, by fax at (202) 245-6304, by email at: [small.business@ed.gov](mailto:small.business@ed.gov), or by mail at:

U.S. Department of Education  
OSDBU - PCP, Room 7048  
550 12th Street, SW  
Washington, D.C. 20202-0521

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## Appendix I

### List of Web URLs For Hyperlinks Used Throughout This Guide

[U.S. Department of Education's Home Page](http://www.ed.gov)

http://www.ed.gov.

[Office of the Chief Financial Officer](http://www.ed.gov/about/offices/list/ocfo/index.html)

http://www.ed.gov/about/offices/list/ocfo/index.html

[Contracts & Acquisitions Management](http://www.ed.gov/about/offices/list/ocfo/cpo.html)

http://www.ed.gov/about/offices/list/ocfo/cpo.html

[Contracts & Acquisitions Management Functional Statement](http://www.ed.gov/about/offices/list/om/fs_po/ocfo/contract.html)

http://www.ed.gov/about/offices/list/om/fs\_po/ocfo/contract.html

[Office of Small and Disadvantaged Business Utilization](http://www.ed.gov/about/offices/list/ods/index.html)

http://www.ed.gov/about/offices/list/ods/index.html

[Guide to Department of Education Programs](http://web99.ed.gov/GTEP/Program2.nsf)

http://web99.ed.gov/GTEP/Program2.nsf

[Office of the Secretary](http://www.ed.gov/about/offices/list/os/index.html?src=oc)

http://www.ed.gov/about/offices/list/os/index.html?src=oc

[Office of the Deputy Secretary](http://www.ed.gov/about/offices/list/ods/index.html)

http://www.ed.gov/about/offices/list/ods/index.html

[ED Budget Service](http://www.ed.gov/about/overview/budget/index.html)

http://www.ed.gov/about/overview/budget/index.html

[Strategic Accountability Service](http://www.ed.gov/about/offices/list/ods/sas/index.html)

http://www.ed.gov/about/offices/list/ods/sas/index.html

[Office of the Under Secretary](http://www.ed.gov/about/offices/list/ous/index.html)

http://www.ed.gov/about/offices/list/ous/index.html

[Office of the Chief Financial Officer](http://www.ed.gov/about/offices/list/ocfo/index.html)

http://www.ed.gov/about/offices/list/ocfo/index.html

[Office of the Chief Information Officer](http://www.ed.gov/about/offices/list/ocio/index.html)

http://www.ed.gov/about/offices/list/ocio/index.html

[Office of Educational Technology](http://www.ed.gov/about/offices/list/os/technology/index.html)

http://www.ed.gov/about/offices/list/os/technology/index.html

[Office of the General Counsel](http://www.ed.gov/about/offices/list/ogc/index.html)

http://www.ed.gov/about/offices/list/ogc/index.html

[Office of Inspector General](http://www.ed.gov/about/offices/list/oig/index.html)

http://www.ed.gov/about/offices/list/oig/index.html

[Office of Intergovernmental and Interagency Affairs](http://www.ed.gov/about/offices/list/oiia/index.html)

http://www.ed.gov/about/offices/list/oiia/index.html

[Office of Legislation and Congressional Affairs](http://www.ed.gov/about/offices/list/olca/index.html)

http://www.ed.gov/about/offices/list/olca/index.html

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[Office of Management](#)

<http://www.ed.gov/about/offices/list/om/index.html>

[Office of Public Affairs](#)

<http://www.ed.gov/news/>

[Institute of Education Sciences](#)

<http://www.ed.gov/about/offices/list/ies/index.html>

[Office for Civil Rights](#)

<http://www.ed.gov/about/offices/list/ocr/index.html>

[Office of Elementary and Secondary Education](#)

<http://www.ed.gov/about/offices/list/oese/index.html>

[Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students](#)

<http://www.ed.gov/about/offices/list/oela/index.html>

[Office of Federal Student Aid](#)

<http://www.ed.gov/about/offices/list/fsa/index.html>

[Office of Innovation and Improvement](#)

<http://www.ed.gov/about/offices/list/oii/index.html>

[Office of Postsecondary Education](#)

<http://www.ed.gov/about/offices/list/ope/index.html>

[Office of Safe and Drug-Free Schools](#)

<http://www.ed.gov/about/offices/list/osdfs/index.html>

[Office of Special Education and Rehabilitative Services](#)

<http://www.ed.gov/about/offices/list/osers/index.html>

[Office of Vocational and Adult Education](#)

<http://www.ed.gov/about/offices/list/ovae/index.html>

[Center for Faith-Based and Community Initiatives](#)

<http://www.ed.gov/about/inits/list/fbci/index.html>

[Historically Black Colleges and Universities](#)

<http://www.ed.gov/about/inits/list/whhbcu/edlite-index.html>

[Tribal Colleges and Universities](#)

<http://www.ed.gov/about/inits/list/whtc/edlite-index.html>

[Secretary's priorities](#)

<http://www.ed.gov/about/inits/ed/index.html>

[Education Department Government Purchase Cardholders](#)

<http://www.ed.gov/fund/data/acct/contractpurchasecard.html>

[Federal Business Opportunities](#)

<http://www.fedbizopps.gov/>

[ED FedBizOpps Postings](#)

<http://www.fbo.gov/spg/ED/index.html>

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[FedBizOpps Award Announcements for Subcontracting Opportunities](http://www.fbo.gov/spg/ED/OCFO/awardPrevDays_1.html)

[http://www.fbo.gov/spg/ED/OCFO/awardPrevDays\\_1.html](http://www.fbo.gov/spg/ED/OCFO/awardPrevDays_1.html)

[Forecast of ED Contract Opportunities](http://www.ed.gov/fund/contract/find/forecast.html)

<http://www.ed.gov/fund/contract/find/forecast.html>

[Central Contractor Registration](http://www.ccr.gov/)

<http://www.ccr.gov/>

[Small Business Administration](http://www.sba.gov/)

<http://www.sba.gov/>

[Educational Excellence for Hispanic Americans](http://www.yic.gov/)

<http://www.yic.gov/>

[Getting on GSA's Schedule Contracts.](http://www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=8199&channelPage=%2Fep%2Fchannel%2FgsaOverview.jsp&channelId=-13464)

<http://www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=8199&channelPage=%2Fep%2Fchannel%2FgsaOverview.jsp&channelId=-13464>

[SBA Size Standards](http://www.sba.gov/size/)

<http://www.sba.gov/size/>

[Federal Acquisition Streamlining Act of 1994, Public Law 103-355](http://thomas.loc.gov/cgi-bin/query/z?c103:S.1587.ENR:)

<http://thomas.loc.gov/cgi-bin/query/z?c103:S.1587.ENR:>

[HUBZone Empowerment Contracting](http://www.sba.gov/library/cfrs/hubzonefinalrule.txt)

<http://www.sba.gov/library/cfrs/hubzonefinalrule.txt>

[SBA Office of Technology](http://www.sba.gov/sbir/)

<http://www.sba.gov/sbir/>

[SBA Office of Business Development](http://www.sba.gov/gcbd/)

<http://www.sba.gov/gcbd/>

[Office of Advocacy](http://www.sba.gov/ADVO/)

<http://www.sba.gov/ADVO/>

[Department of Commerce Minority Business Development Agency](http://www.mbda.gov/)

<http://www.mbda.gov/>

[General Services Administration \(GSA\)](http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0)

<http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0>

[Public Law 100-656](http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR01807:@@L|TOM:/bss/d100query.html)

<http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR01807:@@L|TOM:/bss/d100query.html>

[Executive Order 12138](http://www.va.gov/osdbu/library/EO12138.htm)

<http://www.va.gov/osdbu/library/EO12138.htm>

[Public Law 106-50](http://thomas.loc.gov/cgi-bin/query/z?c106:H.R.1568.ENR:)

<http://thomas.loc.gov/cgi-bin/query/z?c106:H.R.1568.ENR:>

[Public Law 96-88 of October 1979](http://thomas.loc.gov/cgi-bin/bdquery/z?d096:SN00210:|TOM:/bss/d096query.html)

<http://thomas.loc.gov/cgi-bin/bdquery/z?d096:SN00210:|TOM:/bss/d096query.html>

[Public Law 95-507](http://thomas.loc.gov/cgi-bin/bdquery/z?d095:HR11318:|TOM:/bss/d095query.html)

<http://thomas.loc.gov/cgi-bin/bdquery/z?d095:HR11318:|TOM:/bss/d095query.html>

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[Federal Acquisition Regulations \(FAR\)](http://acquisition.gov/far/index.html)

[http:// acquisition.gov/far/index.html](http://acquisition.gov/far/index.html)

[Education Department Acquisition Regulation \(EDAR\)](http://www.ed.gov/policy/fund/reg/clibrary/edar.html)

<http://www.ed.gov/policy/fund/reg/clibrary/edar.html>